IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

MISSOULA DIVISION

UNITED STATES OF AMERICA,	)	CR 12-27-M-DWM
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
JON PITNEY CRANDALL,	)	
	)	
Defendant.	)	
_____	)	

Jon Pitney Crandall moves to suppress evidence that the United States

obtained in a search of his residence. Magistrate Judge Lynch recommends

granting the motion. The United States does not object to that recommendation.

The Court grants Crandall's motion. Because the parties are familiar with the

facts, they are restated here only when necessary to explain the Court's decision.
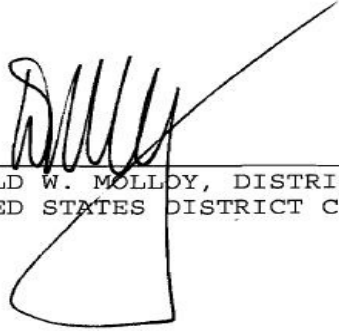
The parties are entitled to a de novo review of the specified findings or

recommendations to which they timely object. 28 U.S.C. § 636(b)(1). But the

portions of Judge Lynch's Findings and Recommendations not specifically

objected to are reviewed for clear error. *McDonnell Douglas Corp. v. Commodore*

Bus. Mack, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Lynch made no clear error in his Findings and Recommendation. The search warrant commanded Detective Parker to seize the items "specified in Attachment A of the Application and Affidavit." But, as Judge Lynch observed, neither the Application and Affidavit nor Attachment A were appended to or accompanied the search warrant. The search warrant, then, did not describe with particularity the things that the State District Judge authorized the officers to seize. That violates the Fourth Amendment. *See Groh v. Ramirez*, 540 U.S. 551 (2004); *United States v. Leon*, 468 U.S. 897 (1984). The Court therefore grants Crandall's motion and suppresses the evidence identified in the Evidence Recovery Log.

IT IS ORDERED that the Court adopts Magistrate Judge Lynch's Findings and Recommendation (doc. 25) in full.

IT IS ORDERED that Jon Pitney Crandall's motion to suppress (doc. 12) is GRANTED. The evidence identified in the Evidence Recovery Log is suppressed.

Dated this 7th day of November 2012.

DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT